

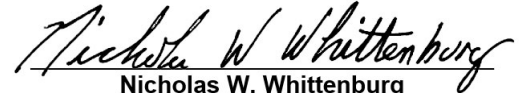
The term "Chapter 11 Trustee" is changed to "Chapter 11 trustee or trustees" all places it appears in paragraphs 2, 3, 4, and 5. The word "consolidated" in paragraph 2 is changed to "jointly administered." J M Smith Drug Corporation's motion to dismiss these cases I denied as withdrawn.



SO ORDERED.

SIGNED this 31st day of October, 2017

THIS ORDER HAS BEEN ENTERED ON THE DOCKET.
PLEASE SEE DOCKET FOR ENTRY DATE.


Nicholas W. Whittenburg
UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

In re:)
)
Cherokee Pharmacy & Medical Supply, Inc., et. al.) Jointly Administered Under
) 1:17-bk-11920 NWW
)
Debtor.) Chapter 11
)

AGREED ORDER TO APPROVE APPOINTMENT OF CHAPTER 11 TRUSTEE

This matter came before the Court on the motion of J M Smith Drug Corporation d/b/a Smith Drug Company ("Smith Drug Company") for dismissal of the chapter 11 cases of debtors Cherokee Pharmacy & Medical Supply, Inc., Cherokee Pharmacy & Medical Supply of Dalton, Inc., and Mr. David Terry Forshee (collectively the "Debtors") pursuant to 11 U.S.C. § 1112¹ (the "Motion"). A hearing was scheduled for November 1, 2017. Prior to the hearing, Smith Drug Company, the Debtors, the United States Trustee (the "US Trustee"), and the Drug Enforcement Agency (the

¹Further references to the U.S. Bankruptcy Code, 11 U.S.C. §§101 *et seq.*, (the "Bankruptcy Code") shall be by section number only.

“**DEA**”), mutually agreed to resolve this matter through the Debtors consenting to the appointment of a Chapter 11 Trustee. Having reviewed the Motion and based upon the agreement of Smith Drug Company, the Debtors, the US Trustee and the DEA, the Court hereby ORDERS as follows:

1. Cause exists to appoint a Chapter 11 trustee in the Debtors’ cases, and therefore, the appointment of a trustee is mandatory pursuant to Bankruptcy Code Section 1104(a). Further, the Court finds that the appointment of a trustee is appropriate because it is in the best interest of the creditors and the Debtors’ estates.

2. The US Trustee is hereby directed to appoint a Chapter 11 Trustee in these consolidated cases pursuant to Bankruptcy Code Section 1104. The US Trustee’s power to appoint a Chapter 11 Trustee shall be effective immediately upon entry of this Order.

3. The authorization of the US Trustee to appoint a Chapter 11 Trustee shall be without prejudice to the rights of the Debtors’ creditors to elect a Chapter 11 Trustee under Bankruptcy Code Section 1104(b).

4. The Chapter 11 Trustee shall be expressly vested with all powers, duties, and responsibilities granted to such a trustee under all applicable sections of the Bankruptcy Code.

5. Immediately upon appointment or election, the Chapter 11 Trustee shall take over operational control of the Debtors’ pharmacies and the Debtors are hereby directed to assist the Chapter 11 Trustee with this transition.

IT IS SO ORDERED

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APPROVED FOR ENTRY:

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